Contt. II-27—80,000—4-1-52.

Home (1952) Department.

R+ SERIES.

G.O. NO. 3325

(12)

Dated 4.11.52

Passed
WB
6/11/52

FOR MYSORE STATE

[Despatch Abstract.]

Want stay
Petn grtd 4/28 Dec 52

BEFORE THE GOVERNMENT OF MADRAS, HOME DEPARTMENT,
FORT ST.GEORGE, M A D R A S-9

M.B.Narayanappa,
Proprietor,
G.N.Motor Transport Service,
Bellary. Petitioner.

PETITION UNDER SECTION 64((A) of the MOTOR VEHICLES ACT.

****

The address of the petitioner for service of all notices etc.. is that of his Counsel Mr. T.G.Krishna Iyengar, at No.95, T.P.Koil Street. Triplicane, Madras 5.

The petitioner abovenamed begs to present this petition to the Government against the Proceedings of the Central Road Traffic Board in R.No.42157/A2/52 dated 3.10.1952 for the following among other grounds viz:-

1. The Order of the Central Board dismissing the petitioner's appeal is unjust and improper.

2. The Central Board erred in thinking that the explanation of the appellant has been proved to be false and that from the records it is seen that there is no junction at the 21st mile. Whether there is a junction at the 21st mile as contended by the petitioner or at the 19th mile as held by the Central Board is not the matter which can be verified from any records but it is purely and essentially the matter to be verified on the spot.

3. The Central Board failed to give due effect to the Memo of Charge according to which the Regional Transport Officer is said to have checked near the 21st mile whereas Order of the Regional Transport Authority states that there is no junction at the 21st mile. The point for consideration is which of the two versions is correct.

4. It is not the case of the petitioner that there is a junction at the 21st mile but the case is that at the place near the 21st mile where the Regional Transport Officer claims to have checked the bus, there is a junction where all bus

have to stop for the purpose of dropping down and picking up passengers. The junction is familarly known as Siriguri and Byraparam Junction which is admittedly near the 21st mile.

5. The Central Board acted very improper in merely stating that the argument that the bus was checked when it was stationery is not true. Any reasons have been given why that version is not true when the petitioner is categorically ascerted that the bus was stationery at the time of check.

6. The Central Board failed to appreciate that the action taken against the petitioner is punitive in character and unless all the essential requirements necessary under Section 60 are established and strictly proved no suspension of permit can beordered.

7. In any case the suspension for a period of one month is highly arbitrary and excessive. The petitioner has refrained from stating anything as to the non-issue of tickets as Central Board has not based its decision on the point.

8. The petitioner states that the permit of Vehicle in question valid upto 9.8.1952 has been kept alive by renewal application made in time. The Central Board during thependency of the appeal granted stay of the Order of theRegional Transport Authority and itis necessary that the status quo ante should be preserved and maintained the delay of disposal of the revision petition.

The petitioner therefore prays that the Government may be pleased to direct that the order of the suspension of the petitioner's permit be stayed and kept abyenace.

Dated at Madras this 28th day of October, 1952

D.G. Krishna Iyengar.
Counsel for Petitioner.

4

Madras,
St.George,

M.B.Narayanappa, Proprietor
G.N.Motor Transport Service,
Bellary. ... PETITIONER.

Petition under Section 64(A)
of the Motor Vehicles Act
against the Ø proceedings
of the Central Road
Traffic Board in R.No.
42157/A2/52 dated 6.10.52

MR. N.G.KRISHNA IYENGAR.

Counsel for Petitioner.

5

~~In the Court of the District~~ JUDGE MUNSIFF ~~of Bellary~~

Before the Govt. of Madras.

No. of 195

BETWEEN M.P Narayanappa Plaintiff. Petr.

VS.

N. G. Krishna Iyengar. Defendant

~~M. Devendra Naidu,~~

Advocate.

I
~~We~~ M.B. Narayanappa,

the petitioner herein do hereby appoint and retain

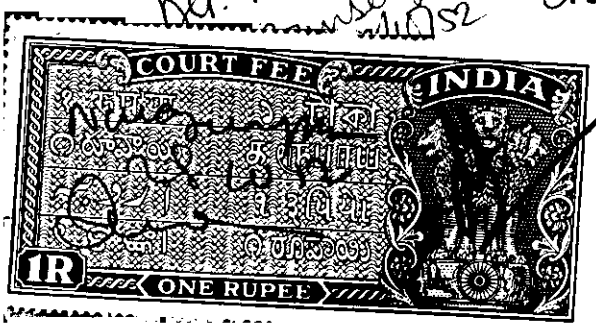
Mr. N. G. KRISHNA IYENGAR as my Counsel to appear for me

in the above matter, to conduct all proceedings connected with the same, to receive documents form court, to execute any decree that may be passed in favour, and to receive, money or other property that may be recovered

I further empower him to enter into any lawful compromise in the suit, and
~~We~~
hereby agree to confirm, ratify and abide by all acts which he or any other practitioner nominated by him in this behalf may do in the above matter.

Accepted.
N. Krishna Iyengar
Counsel for Petr.

M.B. Narayanappa



day of 195

C. T. P. Koil Dr. Tirucirapalli

Magistrate

6

IN THE COURT OF THE DIST?
BELLARY

Govt. of Madras

No. of 195

Vakalat on behalf of Petr.

Mr. N G Krishna Iyengar
~~Mr. Devendra Naidu,~~
Advocate,

Provincial. / Central.

M.T.C. 10
ORIGINAL

P.

T. & A. 218.

Chalan for payment of money into the Reserve Bank of India at Madras. ~~Imperial Bank of India at~~

No.

By whom paid and name (or designation) and address of the person on whose behalf money is paid	On what account with authority, if any.	Amount. Rs	A.	P.	Head of account.*
M. B. Narayanappa, G.N. Motor Transport Service Bellary.	For Revision petn. to Govt.	50			XII – Receipts under the M.V. Act – Other fees.
	Total (in words and figures).	Fifty only			

Signature of Remitter M B Narayanappa

* Head of account should be filled in by the Departmental Officer or the Treasury. In cases where direct credits at Bank are permissible the column "Head of account" will be filled in by the Treasury Officer or the Accounts Officer, as the case may be, on receipt of the Bank's Daily sheet. [P.T.O.

8.

Correct. Receive and grant receipt.

T. & A. 218.

Signature and full designation of the officer ordering the money to be paid in

Reserve Bank of India at
Imperial Bank of India at Madras
The..... 194

} Entered—Correct.

RESERVE BANK OF INDIA,
PUBLIC ACCOUNTS DEPT.
MADRAS.
CASH RECEIVED
28 OCT 1952
Treasurer Cashier Acct.

Initials of Treasury Accountant

Received Rupees Fifty only

Paid Accountant

Dated..... 194

Agent.
Accountant.

* To be used only when a departmental officer passes the chalan for a payment by a private party

PROCEEDINGS OF THE MEETING OF THE CENTRAL ROAD TRAFFIC BOARD HELD ON ~~xxxxxx~~ 24-9-52.

Item No.14.

Present: 1. Janab Syed Ahmed, B.Sc.(Hons.) I.A.S. — Chairman.
2. Sri T.D.Ramiah Pantulu, M.A., B.L. — Member.
3. Janab S.Kadir Md. Nainar, M.A.B.L. — Member.

R.No.4215/A2/52 dated 3-10-52.

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sub: Appeal - stage carriages - MDB 862 - permit suspended for one month by the Regional Transport Authority, Bellary.

Ref: 1. Petition dated 20.8.52 from Sri M.B.Narayanappa.
2. From the Regional Transport officer, Anantapur R.No.1786/A2/52 dated 4.8.52.

ORDER:

In this case, the appellant's bus was found overloaded by 26 passengers and tickets were not issued to 20 passengers, when it was checked by the Regional Transport officer. The Regional Transport Authority in their resolution, observed that the explanation of the appellant was proved to be false. From the records it is seen that there isno junction at the 21st mile; (junction being only at the 19th mile) The argument that the bus was checked when it was stationary is also not true. The punishment inflicted is lenient, and no interference is called for. The appeal is therefore dismissed.

2.

Syed Ahmed,
Chairman

To

Sri M.B.Narayanappa
care of Sri N.C.Krishna Iyengar, Advocate,
95, T.P.Koil street, Triplicane, Madras.

2) The Regional Transport officer,
Anantapur. (in full with records by R.P.)

/By order/

Superintendent.
6.10.52

s.a.4.10.

Home Dept

GNO 2100 83 S IV 11/52.

efo Rt. No. 3325 dated 4.11.52

MVS - Stage carriages - R.T.A. Bellary Permit of stage carriage NO MDB 862 - suspended for one month by R.T.A - Appeal dismissed by CRP BoS - Revision petition to Govt Rejected

Read:- M.B.

From Sri Narayanappa, revision petition dated 28.10.52.

Order:- Stage carriage No. ~~2nd Bus~~/MDB 862 belonging to Sri M.B. Narayanappa was found overloaded by 26 passengers and tickets were not issued to 20 passengers when it was checked by the R.T.O., ~~Bellary~~ Anantapur. The R.T.A in its resolution observed, that the explanation given was proved to be false, and therefore suspended the permit of the bus ~~NO MDB 862 for~~ one month

The appeal preferred to the CRE Bd was dismissed in its Proceedings R.No 42157/A2/52 dated 3-10-52.

2 On receipt of the revision petition cited, the Govt have examined the case and they agree with the CRE Board that the punishment meted out namely, suspension for one month, is adequate, considering the serious nature of the offence committed by the Governor of Madras therefore declines to interfere

WB 3/11/52. H/N/SC

M 4.XI.52

To Sri M.B. Narayana Iyengar
C/o Sri N.S. Krishna Iyengar
No 95, T.P. Kovil St.
Triplicane, Madras.

To the Secy CRE Bd
Egmore, Madras
(with a copy of PP 1-3)

To the R.T.O
Amalapuram
(with a copy of PP 1-3)

1 copy for PP.

[C.No.200835 Tr.II/52.]

HOME DEPARTMENT.

M.Vs. Stage carriages - R.T.A. Bellary - Permit of stage carriage No. M.D.B.862 - Suspended for one month by R.T.A. - Appeal dismissed by C.R.T.Bd. Revision petition to Govt.

Ref: From Sri M.B.Narayanappa, petition dated 28-10-52.

Abstract of the case.

District		Bellary.
R.T.A.'s order		Suspended the permit of Bus M.D.B.862 for one month for overloading.
C.R.T.Bd.'s order		Appeal dismissed.
Petition before the Govt.		From Sri M.B.Narayanappa to set aside the Bd.'s order and for stay.

This is a case of revision petition from Sri M.B. Narayanappa against the appellate order of the C.R.T.Board on p.9 c.f. The petition is in time, and the prescribed fee of Rs. 50/- has been paid. The facts of the case as gathered from the revision petition are:-

2. Bus No.M.D.B. 862, belonging to the petitioner, was found overloaded by 26 passengers and tickets were not issued to 20 passengers, when it was checked by the R.T.O. The R.T.A. in its resolution, observed that the explanation given was proved to be false, and therefore suspended the permit of the Bus No.M.D.B.862 for one month. The petitioners appeal to the C.R.T. Board was dismissed in its proceedings R.No.42157/A2/52 dated 3-10-52. Against this order of the Board, the petitioner has come up to Govt. in revision and has asked for stay of the Board's order, pending disposal of his petition.

2(i) The petitioner contends that the R.T.O. checked the bus when it was stationary near the 21st mile where there is a road junction where the bus had to stop for the purpose of picking up and letting down passengers.

Contd...

2/

The Board has stated that from the records it is seen that there is no junction at the 21st mile, the junction being only at the 19th mile, and that the petitioner's statement that the bus was checked when it was stationary is also not true:

Cf. Para 6 on p 2 c/

(ii) The petitioner contends that the permit cannot be suspended under Sec. 60 of the Act.

It is submitted that the contention is not tenable as a permit can be suspended under Sec. 60 (1)(a) for any breach of the conditions of the permit. In this case there was an overload by 26 passengers and non-issue of tickets to 20 passengers which are breaches of conditions of the permit. Suspension of permit was therefore in order.

page 48c R.J. no 52

(iii) The petitioner contends that the punishment is ~~highly~~ Rigidly arbitrary and excessive.

Cf- para 7, a p 2 c/

As stated by the Board the punishment meted out namely, suspension for one month, is lenient, considering the serious nature of the offence committed.

Cf. B on p 9 c/

3. The petitioner does not appear to have made out a case for interference. For orders therefore whether the petition may be rejected in which case the question of stay does not arise.

4. May be circulated to M (I & L)..

30/10/52

There seems to be no case for interference. May be rejected summarily.

30.X.1952

A.D.S

The overload was checked by the R.T.O. himself and both the R.T.O and C.R.B have found that the statements made by petitioner to wriggle out of his offence were false. May be rejected.

Petition Rejected
Ulaganathan
1-11-52

Draft order sent for approval 31/10/52

4.11.52.

4.XI.1952

ADDITIONAL DEPUTY SECRETARY TO GOVERNMENT
1 - NOV 1952
HOME DEPARTMENT

SECRETARY TO GOVT.
1 - NOV 1952
HOME DEPARTMENT